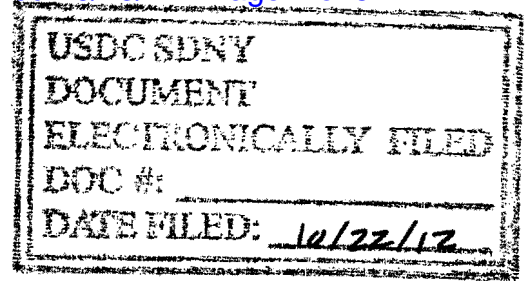


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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ADVANCED ANALYTICS, INC., :

Plaintiff, : 04 Civ. 3531 (LTS) (HBP)

-against- : ORDER

CITIGROUP GLOBAL MARKETS, INC., :  
et al., :

Defendants. :

-----X

PITMAN, United States Magistrate Judge:

I have reviewed the excerpts of the transcript of the July 18, 2012 conference that defendants seek to seal, and it appears to me that a number of the designations do not disclose confidential, trade-secret information. Specifically, the following designations do not appear to disclose information that constitutes trade secrets or information that is otherwise protectable.

6:22-23

6:24 - 7:2

21:25 - 22:5

22:7-18

25:22-23

26:19-21

35:17-20

35:24 - 36:1

48:3-4

50:21-25

52:18-19

57:8-9

58:13-18

58:24 - 59:1

62:5

63:15-21

64:1-6

76:11-12

82:12-16

83:10-11

88:17-18

119:19-24

I appreciate that the majority of this information is not publically available but that fact, without more, does not justify sealing an excerpt. The medical history of a personal injury plaintiff is not publically available, but no attorney could rationally suggest that the transcript of a conference at which such a plaintiff's medical history was discussed should be sealed simply because the information is non-public.

I also have not overlooked the fact that plaintiff consents to the sealing of all the excerpts designated by defendants. That fact is not dispositive. Courthouses are public buildings and judicial proceedings are, presumptively, open to the public. See United States v. Amodeo, 44 F.3d 141, 146 (2d Cir. 1995). The openness of our judicial proceedings promotes public confidence; secret proceedings promote suspicion and distrust. As the Court of Appeals for the Third Circuit has noted:

The public's exercise of its common law access right in civil cases promotes public confidence in the judicial system. . . . As with other branches of government, the bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury, and fraud. Furthermore, the very openness of the process should provide the public with a more complete understanding of the judicial system and a better perception of its fairness.


Leucadia, Inc. v. Applied Extrusion Technologies, Inc., 998 F.2d 157, 161 (3d Cir. 1993); accord United States v. Amodeo, 71 F.3d 1044, 1048 (2d Cir. 1995). See also Doe v. Shakur, 164 F.R.D. 359, 361 (S.D.N.Y. 1996) (Chin, the D.J., now Cir. J.) ("[T]he public has a right of access to the courts. Indeed, lawsuits are public events and the public has a legitimate interest in knowing the facts involved in them." (internal quotations omitted)). Given this public interest, the private agreement of the parties

is not sufficient, by itself, to justify the sealing of portions of a transcript of proceedings held in open court.

If defendants wish to have the above-listed excerpts redacted from the publically available copy of the transcript of the July 18, 2012 conference, they are to renew their motion for sealing no later than November 2, 2012. Any renewed motion shall be accompanied by an affidavit or other material of evidentiary weight showing good cause why the above referenced excerpts should be sealed.

Dated: New York, New York  
October 22, 2012

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

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